UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,664	09/28/1999	THOMAS M. KEELEY	99AB173	3033

7590 09/06/2007

JOHN J HORN
ALLEN BRADLEY COMPANY INC
PATENT DEPT 704P FLOOR 8 T29
1201 SOUTH SECOND STREET
MILWAUKEE, WI 53204

EXAMINER	
BOYCE, ANDRE D	

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
09/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/407,664
Filing Date: September 28, 1999
Appellant(s): KEELEY, THOMAS M.

Himanshu S. Amin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 21, 2007 appealing from the Office action mailed October 7, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

USPN 6,385,497	Ogushi et al	05-2002
USPN 5,432,715	Shigematsu et al	07-1995
USPN 5,956,665	Martinez et al	09-1999
USPN 6,430,711	Sekizawa	08-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 40-47, 49, 59, 61-64, 69-74, 76, 78, and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi et al (USPN 6,385,497), in view of Shigematsu et al (USPN 5,432,715) in further view of Martinez et al (USPN 5,956,665).

As per claim 40, Ogushi et al disclose a factory automation system for providing status information on at least one factory automation component comprising: a factory automation component distributed by a first party (i.e., industrial equipment installed at a remote location, column 1, lines 35-38); the component residing at a site location of a second party (i.e., equipment installed at a remote location, column 1, lines 35-38); the component communicating status information to the first party wherein the first party compiles the status information from the component and utilizes the status information to the benefit of the second party (i.e., remote maintenance system between two parties, wherein the status is communicated to the first party to benefit the second party, column 1, lines 35-43), the status information comprises first party site address information (i.e., e-mail address of host computer 108, column 4, lines 25-30 and vendor URL information, figure 5), component type information (i.e., model of equipment, including the serial number, column 4, lines 14-17), second party site information (i.e., host computer 107 in factories 102 to 104, column 3, lines 15-18), component health information (i.e., operating state of the equipment, column 3, lines 46-50), and the server site of the first party communicates version upgrade information to the component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose component source information. Shigematsu et al disclose a message transmitting unit of computer 4-1, that

transmits important message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61).

Neither Ogushi et al nor Shigematsu et al explicitly disclose version information from the component that does not correspond to a latest version. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65). Ogushi et al, Shigematsu et al, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include version number in Ogushi et al, as seen in Martinez et al, as an effective means of determining the most updated information relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claim 41, Ogushi et al does not explicitly disclose wherein the status information is periodically communicated by the component directly to the first party (computer 107 periodically monitors the operating states of equipment 106 and communicates the information to vendor 101, column 3, lines 47-54).

As per claim 42, Ogushi et al disclose the first party is a vendor and/or service supplier of the component (vendor 101, column 2, lines 59-63).

As per claim 43, Ogushi et al disclose the second party is a purchaser of the component and the site location is a factory of the purchaser where the component resides (factories 102-104, column 3, lines 4-6).

As per claim 44, Ogushi et al disclose the component health information to the first party from the location site of the second party (i.e., operating state including occurrence of trouble is sent to the first party from the location site of the second party, column 3, lines 47-54).

As per claim 45, Ogushi et al disclose the health information is selected from the group consisting of a component failure, a component degradation and a component out of calibration (i.e., maintenance is defined as any trouble with the industrial equipment that would need maintenance personnel to resolve the trouble, including component failure, degradation and calibration, column 1, lines 8-12).

As per claim 46, Ogushi et al disclose the site of the first party communicated patch information to the component in response to health information from the component (i.e., host computer 108 notifies host computer 107 in factory of response about countermeasure, column 6, lines 9-19).

As per claim 47, Ogushi et al disclose the component includes a self-diagnosis device (i.e., computer 107 receives status information about operating state from the equipment in trouble, column 3, lines 61-62).

As per claim 49, Ogushi et al discloses the server site of the first party transmits a signal to the component in response to status information from the component that initiates an action by the component (i.e., computer 108 notifies computer 107,

which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

As per claim 59, Ogushi et al discloses a method of providing a status information to a vendor on at least one factory automation component sold by the vendor to at least one customer (vendor 101 providing equipment to factories, column 2, lines 59-63), comprising the steps of: locating at least one component at a site of at least one customer (industrial equipment 106 at factories 102-104, column 3, lines 4-6); connecting the at least one component to a network connected to a server of the vendor (LAN for connected to computer 107, which is connected to computer 108 via the internet, column 3, lines 10-12 and 15-18); communicating component status information from the at least one component to the server of the vendor (computer 107 monitors equipment 106 and notifies vendor 101 of trouble state, column 3, lines 47-54); the status information comprises vendor site address information (i.e., e-mail address of host computer 108, column 4, lines 25-30 and vendor URL information, figure 5), and customer site information (i.e., host computer 107 in factories 102 to 104, column 3, lines 15-18), outputting the customer identification information and component status and location information to the vendor (i.e., computer 107 obtains status information about operating state of the ith equipment and informs vendor 101, column 3, lines 58-64), and the server communicates version upgrade information to at least one component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose component source address information, and searching a database located on the server of the vendor for customer identification and component location information corresponding to the status information of the at least one component. Shigematsu et al disclose a message transmitting unit of computer 4-1, that transmits important message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61), thus disclosing transmitting the location of the monitored component. Further, Ogushi et al disclose computer 108 searching the trouble database for managing the maintenance of the equipment of each factory (i.e., component location) based upon status information (column 4, lines 40-43). As such, it would have been obvious to search the database, based upon both customer identification and component location, since Ogushi et al discloses searching the database with reference to a particular set of equipment associated with each factory.

Neither Ogushi et al nor Shigematsu et al explicitly disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65).

Ogushi et al, Shigematsu et al, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include component source

and version number of the component in Ogushi et al, as seen in Shigematsu et al and Martinez et al, respectively, as an effective means of determining the most updated information and source location relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claim 61, Ogushi et al disclose communicating a signal to at least one component from the server in response to the component status information that initiates an action to at least one component (i.e., computer 108 notifies computer 107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

As per claim 62, Ogushi et al disclose the server determines if the at least one component has enabled the at least one component to receive communication from the server (i.e., computer 107 enables communication from equipment 106 to vendor computer 108, column 3, lines 10-16).

As per claim 63, Ogushi et al disclose the status information includes component health information of the at least one component (i.e., operating state including occurrence of trouble is sent to the first party from the location site of the second party, column 3, lines 47-54).

As per claim 64, Ogushi et al disclose the server communicates patch information to the component in response to health information from the component (i.e., host computer 108 notifies host computer 107 in factory of response about countermeasure, column 6, lines 9-19).

As per claim 69, Ogushi et al disclose an internet business communication system (remote maintenance system, column 1, lines 35-38) including: means for receiving factory automated component status information over the Internet (computer 107 communicates status information to computer 108 via internet 105, figure 1); the status information comprises customer site information (i.e., factories 102-104, figure 2), component type information (model of the equipment 401, figure 5), vendor site address (i.e., e-mail address of host computer 108, column 4, lines 25-30 and vendor URL information, figure 5), the status information including the information relating to the health of the component wherein the component is located at a site location of a customer and communicates status information to a site vendor (i.e., operating state including occurrence of trouble is sent to the first party from the location site of the second party, column 3, lines 47-54), and the server communicates version upgrade information to at least one component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose component source address information, and searching a database located on the server of the vendor for customer identification and component location information corresponding to the status information of the at least one component. Shigematsu et al disclose information transmitted by the monitored computer including name information used for identifying the plurality of computers (column 11, lines 21-25). Further, Shigematsu et al disclose a message transmitting unit of computer 4-1, that transmits important

message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61), thus disclosing transmitting the location of the monitored component. Further, Ogushi et al disclose computer 108 searching the trouble database for managing the maintenance of the equipment of each factory (i.e., component location) based upon status information (column 4, lines 40-43). As such, it would have been obvious to search the database, based upon both customer identification and component location, since Ogushi et al discloses searching the database with reference to a particular set of equipment associated with each factory. Neither Ogushi et al nor Shigematsu et al explicitly disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65).

Ogushi et al, Shigematsu et al, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include component name, location, and version number of the component in Ogushi et al, as seen in Shigematsu et al and Martinez et al, respectively, as an effective means of determining the most updated information and source location relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claim 70, Ogushi et al disclose a factory automated component (computer 107 connected to equipment 106, figure 1) comprising: a processor; a memory coupled to a processor; and a network interface coupled to the processor for directly transmitting and receiving data with at least one remote computes system (connected via internet 105, figure 1), wherein the factory component communicates status information to the at least one remote computer system (i.e., operating state including occurrence of trouble is sent to the first party from the location site of the second party, column 3, lines 47-54), the status information comprises customer site information (i.e., factories 102-104, figure 2), vendor site address information (i.e., e-mail address of host computer 108, column 4, lines 25-30 and vendor URL information, figure 5), component health information (i.e., operating state including occurrence of trouble is sent to the first party from the location site of the second party, column 3, lines 47-54), and the server communicates version upgrade information to at least one component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose customer name information. Shigematsu et al disclose information transmitted by the monitored computer including name information used for identifying the plurality of computers (column 11, lines 21-25).

Neither Ogushi et al nor Shigematsu et al explicitly disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65).

Ogushi et al, Shigematsu et al, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include name and version number information of the component in Ogushi et al, as seen in Shigematsu et al and Martinez et al, respectively, as an effective means of determining the most updated information and location relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claim 71, Ogushi et al disclose the status information is communicated periodically (computer 107 periodically monitors the operating states of equipment 106 and communicates the information to vendor 101, column 3, lines 47-54) and includes health information related to the health of the component (i.e., status information including trouble state, column 3, lines 47-54).

As per claim 72, Ogushi et al disclose the processor includes a self-diagnosis device (i.e., computer 107 receives status information about operating state from the equipment in trouble, column 3, lines 61-62).

As per claim 73, Ogushi et al disclose the component includes an enabled mode for receiving communication from the at least one computer and a disabled mode blocking communication from at least one computer (computers 107 and 108 have enabled communication only when both computers are turned on; therefore if one

computer is turned off, communication is disabled and blocked, column 3, lines 15-25).

As per claim 74, Ogushi et al discloses a system for monitoring factory automated components electronically (remote maintenance system, column 1, lines 35-38), comprising: a central server adapted to receive status information directly from one or more factory automated components located at one or more customer sites (computer 108 serving as management apparatus for vendor 101, column 3, lines 15-18), the central server being located at a site of a vendor (computer 108 located at vendor site 101), wherein the server is configured to match component status information to customer identification information and component location information of the one or more factory automated components and output this information to the vendor (computer 108 grasps the operating states of equipments 106 in user factories 102-104 via internet 105, column 3, lines 35-38), the status information comprises customer site information (i.e., host computer 107 in factories 102 to 104, column 3, lines 15-18), and vendor site information (i.e., e-mail address of host computer 108, column 4, lines 25-30 and vendor URL information, figure 5), and the server communicates version upgrade information to at least one component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose component location/source address information. Shigematsu et al disclose a message transmitting unit of computer 4-1,

that transmits important message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61).

Neither Ogushi et al nor Shigematsu et al explicitly disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65). Ogushi et al, Shigematsu et al, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include version number in Ogushi et al, as seen in Martinez et al, as an effective means of determining the most updated information relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claim 76, Ogushi et al disclose the server transmits a signal to the one or more components via the at least one remote computer in response to status information from the component that initiates an action to the component (i.e., computer 108 notifies computer 107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

As per claim 78, Ogushi et al disclose the status information includes the components health information, such that the vendor can communicate to a customer that the one or more components in the one or more customer sites

require attention by the customer (i.e., computer 108 notifies computer 107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

As per claim 79, Ogushi et al. discloses a system for providing status information to a vendor on at lease one factory automation component sold by the vendor to at least one customer (vendor 101 providing equipment to factories, column 2, lines 59-63), comprising: means locating at least at least one component at a site of at least one customer (equipment 106 arranged in factories 102-104, column 3, lines 10-14); means for connecting the at least one component to a network connected to a server of the vendor (LAN for connected to computer 107, which is connected to computer 108 via the internet, column 3, lines 10-12 and 15-18); means for communicating component status information from the at least one component directly to the server of the vendor (computer 107 monitors equipment 106 and notifies vendor 101 of trouble state, column 3, lines 47-54); the status information comprises vendor site address information (i.e., e-mail address of host computer 108, column 4, lines 25-30 and vendor URL information, figure 5), component type information (model of equipment 401, figure 5), customer site information (i.e., host computer 107 in factories 102 to 104, column 3, lines 15-18), means for outputting the customer identification information and component status to the vendor (i.e., computer 107 obtains status information about operating state of the ith equipment and informs vendor 101, column 3, lines 58-64), and the server communicates

version upgrade information to at least one component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose component source address information, and searching a database located on the server of the vendor for customer identification and component location information corresponding to the status information of the at least one component. Shigematsu et al disclose a message transmitting unit of computer 4-1, that transmits important message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61), thus disclosing transmitting the location of the monitored component. Further, Ogushi et al disclose computer 108 searching the trouble database for managing the maintenance of the equipment of each factory (i.e., component location) based upon status information (column 4, lines 40-43). As such, it would have been obvious to search the database, based upon both customer identification and component location, since Ogushi et al discloses searching the database with reference to a particular set of equipment associated with each factory.

Neither Ogushi et al nor Shigematsu et al explicitly disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65).

Ogushi et al, Shigematsu et al, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column

4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include component name, location, and version number of the component in Ogushi et al, as seen in Shigematsu et al and Martinez et al, respectively, as an effective means of determining the most updated information and source location relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

Claims 50-56, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi et al (USPN 6,385,497), in view of Shigematsu et al (USPN 5,432,715), in further view of Sekizawa (USPN 6,430,711) in further view of Martinez et al (USPN 5,956,665).

As per claim 50, Ogushi et al discloses an internet business communication system (remote maintenance system, column 1, lines 35-38) including; a website adapted to be employed by a vendor for receiving factory automation component status information over the internet directly from a plurality of factory components residing at one or more customer sites and providing this information to the vendor (i.e., computer 108 serving as the management apparatus for vendor 101 through the internet 105, wherein computer 107 notifies status information of equipment 106 from the factor to the vendor 101, column 3, lines 15-22), the status information comprises component type information (model of equipment 401, figure 5), component health information (i.e., operating state of the equipment, column 3, lines

46-50), and customer site information (i.e., host computer 107 in factories 102 to 104, column 3, lines 15-18), and the website communicate information to at least one of the plurality of components in response to component version information (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1).

Ogushi et al does not explicitly disclose name information and component location information. Shigematsu et al disclose information transmitted by the monitored computer including name information used for identifying the plurality of computers (column 11, lines 21-25). Further, Shigematsu et al disclose a message transmitting unit of computer 4-1, that transmits important message data 24-1 to the monitoring computer 2, including the address of the computer 4-1 (column 9, lines 53-61).

Neither Ogushi et al nor Shigematsu et al explicitly disclose each component having a different IP address, the website matching component information residing at the vendor's website with the IP address of the component. Sekizawa discloses an agent unit 10 getting status information indicating the operation state of each network printer (see column 19, lines 22-24), and the network printer having a registration log file 12c, including the IP address of the printer (see column 21, lines 9-13).

Neither Ogushi et al, Shigematsu et al, nor Sekizawa disclose wherein the status information further includes version information from the component. Martinez et al disclose the component attributes including type of the device and version number,

thereby able to detect any modification to the component via version number (column 2, lines 59-65). Ogushi et al, Shigematsu et al, Sekizawa, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include version number in Ogushi et al, as seen in Martinez et al, as an effective means of determining the most updated information relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claim 51, Ogushi et al. does not explicitly disclose the factory automation component status information is periodically received by the vendor (computer 107 periodically monitors the operating states of equipment 106 and communicates the information to vendor 101, column 3, lines 47-54).

As per claim 52, Ogushi et al disclose the status information includes component's health information, such that the vendor can communicate to a customer that one of the plurality of components in the one or more customer sites require attention by the customer (i.e., computer 108 notifies computer 107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

As per claim 53, Ogushi et al disclose the facilitator can communicate to a customer that one of the plurality of components in the one or more customer sites

require a version update (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1). Neither Ogushi et al, Shigematsu et al, nor Sekizawa disclose version information from the component. Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65). Ogushi et al, Shigematsu et al, Sekizawa, and Martinez et al are concerned with effective remote monitoring and determination of operational status of components. Further, Ogushi et al disclose the status information including a broad range of items (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to explicitly include version number in Ogushi et al, as seen in Martinez et al, as an effective means of determining the most updated information relating to the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more robust.

As per claims 54 and 55, Ogushi et al disclose the status/component information includes customer identification, and customer site information (see column 3, lines 29-33 and column 4, lines 40-47, all the status information is given to the vendor by a host computer from a factory, all of this information must be included in order for the vendor to look up the problem in the database and fix the equipment). Neither Ogushi et al nor Sekizawa explicitly disclose component location. Shigematsu et al disclose a message transmitting unit of computer 4-1, that transmits important message data 24-1 to the monitoring computer 2, including the address of the

computer 4-1 (column 9, lines 53-61). Ogushi et al, Shigematsu et al, and Sekizawa are all concerned with the effective monitoring of machines via a computer network. Further, Ogushi et al disclose the status information including a broad range of items, not an exclusive list (column 4, lines 14-17), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include component location information in Ogushi et al, as seen in Shigematsu et al, as an effective means of determining the component location information of the plurality of industrial equipment 106 in Ogushi et al, thereby making the Ogushi et al system more efficient and robust.

As per claim 56, Ogushi et al disclose the status information includes the component health information and the website can communicate patch information to at least one of the plurality of components in response to component health information (i.e., computer 108 notifies computer 107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

As per claim 58, Ogushi et al disclose the website transmits a signal to at least one of the plurality of components in response to status information from the component that initiates an action to the component (i.e., computer 108 notifies computer 107, which has reported the trouble, of response information about the countermeasure, via the internet 105, column 4, lines 51-56).

Claims 60 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi et al (USPN 6,385,497), in view of Shigematsu et al (USPN 5,432,715), in further view of Martinez et al (USPN 5,956,665), as applied to claims 59 and 60, in further view of Sekizawa (USPN 6,430,711).

As per claim 60, neither Ogushi et al, Shigematsu et al, nor Martinez et al explicitly disclose wherein the status information includes an IP address associated with the component and the step of searching includes matching the customer identification information and component location information corresponding to the IP address included in the status information. Sekizawa discloses an agent unit 10 getting status information indicating the operation state of each network printer (see column 19, lines 22-24), and the network printer having a registration log file 12c, including the IP address of the printer (see column 21, lines 9-13). Ogushi et al, Shigematsu et al, Martinez et al, and Sekizawa are concerned with the effective monitoring of machines via a computer network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include each component having a different IP address, the website matching component information in Ogushi et al, as seen in Sekizawa, thereby efficiently identifying the machines and their corresponding problems.

As per claim 77, Ogushi et al. disclose the server hosts a website of the vendor and the server matches the component status information with the customer identification information. Ogushi et al does not explicitly disclose component location information by using an IP address associated with the component.

Sekizawa discloses an agent unit 10 getting status information indicating the operation state of each network printer (see column 19, lines 22-24), and the network printer having a registration log file 12c, including the IP address of the printer (see column 21, lines 9-13). Both Ogushi et al and Sekizawa are concerned with the effective monitoring of machines via a computer network, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include each component having a different IP address, the website matching component information in Ogushi et al, as seen in Sekizawa, thereby efficiently identifying the machines and their corresponding problems.

(10) Response to Argument

In the Appeal Brief, Appellant argues that 1) with respect to claim 40 (and similarly claim 74), the cited references do not disclose communicating version upgrade information to the component in response to version information from the component that does not correspond to a latest version, 2) there is no motivation or suggestion to combine the references in the manner suggested, and 3) with respect to claim 50, the cited references do not disclose status information that further includes component version information, such that the website communicates version upgrade information to at least one of a plurality of components in response to outdated component version information.

With respect to argument 1, the Examiner respectfully disagrees. Ogushi et al disclose a host computer 108 reporting status information, including the current state

and any other associated information (column 4, lines 63-67), wherein the associated information could include version information. Further, Ogushi et al disclose a server that communicates version upgrade information to at least one component (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1), thus communicating version upgrade information.

Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via version number (column 2, lines 59-65). In addition, Martinez et al disclose, for each component, the type of device/model number, the version/revision code for the device, and the location of the device (column 7, lines 5-10). Moreover, Martinez et al disclose monitoring operations, wherein the component communicates the latest status information to the GUI (column 10, lines 61-67). As similarly seen in Appellant's claim language, the latest version information in Martinez et al is communicated *from* the component, which inherently includes version information that does not correspond to a latest version, if indeed the component does not have the latest version. As such, the combination of cited references indeed discloses communicating version upgrade information to the component in response to version information from the component that does not correspond to a latest version.

With respect to argument 2, the Examiner respectfully disagrees. As discussed in the *KSR International Co. v. Teleflex Inc. et al.*, 550 U.S. ____(2007), "[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace;

and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit. See *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006) ('[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness'). As our precedents make clear, however, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ." As such, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness.

With respect to argument 3, the Examiner respectfully disagrees. Ogushi et al disclose a host computer 108 reporting status information, including the current state and any other associated information (column 4, lines 63-67), wherein the associated information could include version information. Further, Ogushi et al disclose the website communicates version upgrade information to at least one of a plurality of components (i.e., the browser software allows the vendor to retrieve a new version of software, columns 5/6, lines 64-1), thus communicating version upgrade information.

Martinez et al disclose the component attributes including type of the device and version number, thereby able to detect any modification to the component via

version number (column 2, lines 59-65). In addition, Martinez et al disclose, for each component, the type of device/model number, the version/revision code for the device, and the location of the device (column 7, lines 5-10). Moreover, Martinez et al disclose monitoring operations, wherein the component communicates the latest status information to the GUI (column 10, lines 61-67). As similarly seen in Appellant's claim language, the status information in Martinez et al includes the latest version information is communicated *from* the component, which inherently includes version information that does not correspond to a latest version, if indeed the component does not have the latest version.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Andre Boyce
August 31, 2007

Conferees:

Vincent Millin, Conferee Specialist for

Romain Jeanty, Primary Patent Examiner

Art Unit 3623